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CROWELL & MORING LLP

1001 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20004-2595

(202) 624-2500

FACSIMILE (202) 628-5116

JOHN T. SCOTT, III
(202) 624-2582

April 30, 1998

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SUITE 1200
2010 MAIN STREET
IRVINE, CALIFORNIA 92614
(714) 263-8400
FACSIMILE (714) 263-8414
180 FLEET STREET
LONDON EC4A 3HD
44-171-413-0011
FACSIMILE 44-171-413-0333

Ms. Magalie Roman Salas
Secretary

Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DOCKET FILE COPY ORIGINAL

Re: Ex Parte Notice: CC Docket No. 96-115

Dear Ms. Salas:

On April 29, 1998, a meeting was held between Mark Tuller, Debra Carroll, Howard Woolley, and John Scott, representing Bell Atlantic Mobile, and Ari Fitzgerald, Legal Advisor to Chairman Kennard, with regard to the Second Report and Order (FCC 98-27) in the above-referenced docket.

Bell Atlantic Mobile discussed its concerns that certain provisions of the rules governing the use of CPNI which were adopted by the Order would impede competition among providers of commercial mobile radio services, interfere with wireless customers' ability to obtain new services and features, and undermine customers' expectations. Bell Atlantic Mobile used the attached materials in its presentation.

Should there be any questions regarding this matter, please contact the undersigned.

Sincerely,

John T. Scott III

John T. Scott, III

cc: Mr. Ari Fitzgerald

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CPE AND INFORMATION SERVICES

- ¶ 77 “We reject. . . that we should permit carriers to use CPNI in connection with CPE and information services. . . [I]t is true that the Commission previously had allowed CMRS carriers to use CMRS CPNI to market CMRS-related CPE and information services.”
- ¶47 “We recognize that the Commission has permitted CMRS providers to offer bundled service, including various ‘enhanced services’ and CPE, prior to the 1996 Act. We disagree, however. . . that consistent with section 222(c)(1)(A), CMRS providers should be able to use CMRS-derived CPNI without customer approval to market these offerings when they provide CMRS to a customer.”
 - Rule: “A telecommunications carrier may not use, disclose, or permit access to CPNI derived from its provision of . . . CMRS, without customer approval, for the provision of CPE and information services. . . “

CUSTOMER RETENTION AND WIN-BACK

- ¶85 “We also do not believe. . . that section 222(d)(1) permits the former (or soon-to-be former) carrier to use the CPNI of its former customer (i.e., a customer that has placed an order for service from a competing provider) for ‘customer retention’ purposes.”
 - Rule: “A telecommunications carrier may not use, disclose, or permit access to a former customer’s CPNI to regain the business of the customer who has switched to another service provider.”

COMPUTER SYSTEMS

- ¶194 “[O]ur new CPNI scheme will impose some additional burdens on carriers, particularly on carriers not previously subject. . . . We believe, however, that these requirements are not unduly burdensome. . . . [F]or carriers that offer only one service, such as local exchange, the CPNI requirements are minimal, and thus, not overly burdensome.”
 - Rules: “Telecommunications carriers must develop and implement software that indicates within the first few lines of the first screen of a customer’s service record the CPNI approval status and reference the customer’s existing service subscription.
 - “Telecommunications carriers must maintain an electronic audit mechanism that tracks access to customers accounts, including when a customer’s record is opened, by whom, and for what purpose.”

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P.O. Box 4000
Woburn, MA 01888-4000

February 27, 1998

Sample A. Sample
ABC Company
123 Any Street
Any Town, AA 12345-1234

|||||

**Now treat your voice
to the sound of
DigitalChoice™.**



Dear Sample A. Sample,

Mobile# (000) 000-0000

At Bell Atlantic Mobile, we appreciate your business and try to anticipate your needs as much as possible. Since you rely on wireless service every day, we think you'll want to experience a new advanced level of wireless communication — DigitalChoiceSM service from Bell Atlantic Mobile.

DigitalChoice is nothing short of amazing.

The clearest wireless sound you've ever heard, virtually static-free. Dramatically improved call privacy. All made possible through state-of-the-art CDMA technology based on Bell Labs innovations by Lucent Technologies.® And because DigitalChoice works coast to coast on either digital or traditional analog networks, you'll never be out of touch.

An impressive array of features and services makes DigitalChoice an unbeatable combination of convenience and value. The first minute of every incoming call in your home airtime rate area is always free. Enhanced features like Voice Mail with visual Message Waiting Indicator, custom calling features and Caller ID are also included. And with its low power requirements, you can now leave your digital phone on standby for up to 65 hours in digital mode.

You're entitled to a special package.

As one of our preferred customers, you'll receive key elements of your DigitalChoice service free *if you order by April 15, 1998*. Subscribe to one of our new DigitalChoice annual calling plans, with monthly access as low as \$29.99, and use of the full-featured Nokia 2180 or Qualcomm 820 digital phone is free for as long as you're a DigitalChoice customer. Plus, 25% off your choice of digital accessories.

You already rely on wireless to stay on top of everything in your business and personal life. Why not step up to the next level with DigitalChoice? Call **1-800-806-1059** or come into one of the Communications Stores to begin enjoying the clarity, the enhanced privacy, the sheer superiority of DigitalChoice service.

Sincerely,

Debra Carroll
Executive Director of Marketing

P.S. Remember, you can use the Nokia 2180 or Qualcomm 820 digital phone free of charge for as long as you're a DigitalChoice customer and get 25% off your choice of accessories *if you order by April 15, 1998*. So call about DigitalChoice service now.

DC41598



FREE USE
of a Nokia 2180
digital phone.

OR

FREE USE
of a Qualcomm 820
digital phone.

PLUS
25%
OFF

all digital accessories.

Use either of these excellent phones for free when you order DigitalChoiceSM service. All the latest in wireless technology is packed into the Nokia 2180 and Qualcomm 820, making them the ultimate in communication devices. Both allow you to enjoy the superior voice clarity, added privacy, and longer talk time of digital. They also feature services such as: Caller ID, Voice Mail with Message Waiting Indicator, and Text Messaging. Plus you can use both phones on CDMA digital or analog networks.

With 25% off our wide range of digital accessories, you can get all the additional items you really need. Like the hands-free kit which makes it easy to talk and listen with minimal handling of your phone while you drive. Or choose leather cases, spare batteries or even travel chargers.

Order before **April 15, 1998** to receive this special offer.
Act now, call **1-800-806-1059** or visit the nearest Communications Store
and start enjoying superior DigitalChoice service today.

New annual contract and terms and conditions required. Existing mobile number must be transferred to new DigitalChoice phone. \$175 early termination fee applies. Other charges may apply for unreturned or damaged equipment. DigitalChoice service may not be available in all areas or on non-compatible networks. Caller ID may not be available outside your home service area. Airtime charges apply to message retrieval from your cellular phone. Text Messaging available for an additional monthly charge. Equipment must be returned or payment remitted to Bell Atlantic Mobile at termination of service.

@ Bell Atlantic Mobile



Now

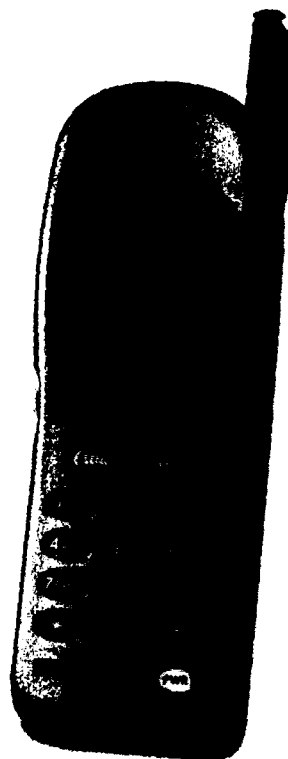
an unbeatable
combination
of convenience
and value

To get free unlimited night and weekend
home airtime for 12 months, call

1-888-670-2355

or visit your nearest
Bell Atlantic Mobile
Communications Store today.

**SIGN UP FOR DIGITALCHOICESM SERVICE BY
MARCH 31, 1998 AND GET FREE UNLIMITED NIGHT
AND WEEKEND HOME AIRTIME FOR ONE YEAR.**



ALL DIGITAL PRICE PLANS INCLUDE:

- Free First Incoming Local Airtime Minute
- Voice Mail¹
- Caller ID²
- Enhanced Services:
 - Call Waiting,
 - 3-Way Calling,
 - No Answer/Busy Transfer

**Purchase a
QUALCOMM CDMA Digital Phone**

- The QCP-820 is one of the most advanced
digital phones on the market today.

Free unlimited night and weekend home airtime for one year is available with the Unlimited Night & Weekend Option. After one year, customer will be charged an additional \$9.99 per month for Unlimited Night & Weekend Option unless customer requests to cancel. ¹If voice mailbox is not set up within 60 days, it will be automatically deleted. Airtime charges apply when retrieving messages from a wireless phone. ²Caller ID may not be available in all areas. Airtime, toll and wireless long distance charges may also apply to all calls made or received using Call Waiting, Call Forwarding, 3-Way Calling and No Answer/Busy Transfer. Offer expires March 31, 1998.

Simply the best wireless value in the New York area.

Now's the best time to switch to DigitalChoice. Because you'll save with these new DigitalChoice calling plans and get free unlimited night and weekend home airtime if you sign up before March 31, 1998.

The New DigitalChoice Price Plans

	DigitalChoice 60	DigitalChoice 150	DigitalChoice 600	DigitalChoice 1200
Monthly Access	\$29.99	\$49.99	\$99.99	\$159.99
Home Airtime Minutes	60	150	600	1,200
Home Airtime per Minute Rate	59¢	45¢	40¢	35¢
Wireless Long Distance per Minute Rate (Peak/Off Peak)	22¢/10¢	15¢/15¢	15¢/15¢	15¢/15¢
Included with every plan**		First incoming local airtime minute, Voice Mail, Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, No Answer/Busy Transfer		
Peak hours are 7AM to 8:59PM Monday through Friday: off-peak all other times				

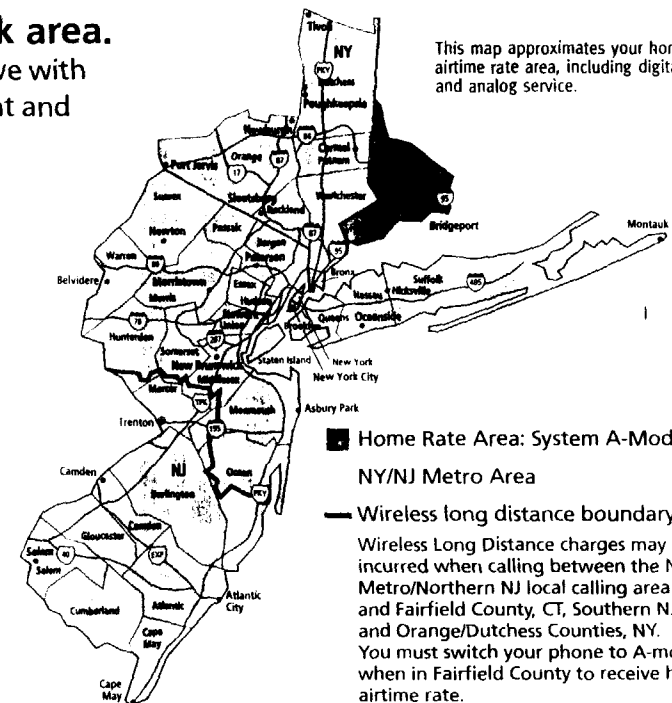
New annual written cellular service agreement with Bell Atlantic Mobile required. Early cancellation fee is \$175. Monthly access, airtime, toll, wireless long distance, cellular regional calling and roaming charges apply. Airtime is billed in full minute increments so that actual number of minutes available to a customer may vary. DigitalChoice service may not be available in all areas or non-compatible networks. CDMA-compatible phone required. New contract terms and conditions covering all lines in an account will be required.

So don't wait. This is a limited-time offer.
Call 1-888-670-2355 today.

@ Bell Atlantic Mobile

Actual wireless coverage may vary from pricing area depicted and as with all radio transmissions, coverage may be affected by topography and other environmental factors. In those areas along the border of coverage, clarity and reception may be diminished. Wireless service is capable of being intercepted without the knowledge or permission of the user by third parties possessing certain types of devices or equipment. The digital advantages of call clarity, improved voice privacy and extended battery life exist only when you are on the Bell Atlantic Mobile digital network. There may be instances when you place a call while on the digital network and switch to the analog network, which doesn't currently sponsor all of these features. If you plan to use your phone in Fairfield County, Connecticut, in the Carolinas and Northeast Georgia you must switch your phone from system B-Mode (99¢/minute in the Carolinas and Georgia) to System A-Mode (49¢/minute in the Carolinas and Georgia; home airtime rate in Fairfield County). This will ensure your call is placed through Bell Atlantic Mobile and that you are charged MobileReach Network and home calling area rates accordingly. Ask your sales representative for details.

BU-NY/NJ



Far & Wide

superior
network

DigitalChoice utilizes superior state-of-the-art CDMA digital technology to bring you crisp, clear sound. Hearing is proof. And with QUALCOMM'S CDMA digital phone and technology, you will get clear voice quality, virtually no static or crosstalk, enhanced privacy and longer talk time.

Smart & Simple

intelligent
features

With DigitalChoice™ you'll experience a new, advanced level of wireless communication. Plus, get a state-of-the-art digital phone that works coast-to-coast on either digital or analog networks,* so you'll always be in touch. And our new Traveler Option offers you one low airtime rate on your calls when traveling across the country. (A monthly charge applies.)



DigitalChoice offers an impressive array of features and services to help make you more productive. For starters, you get:

- Caller ID²—see what number is calling you right on your phone's screen.
- Voice Mail³—an indispensable convenience, you'll never wonder if you missed a call.
- I.Q. Services⁴—convenient features like Call Waiting, Call Forwarding and Three-Way Calling are all standard with your DigitalChoice Service.

Other innovative services, such as Text Messaging and Bell Atlantic Mobile TalkDial® voice-activated dialing service, may also be available, for an additional monthly cost. (Some charges may apply.)

¹ Automatic roaming may be restricted to certain areas due to fraud. Roaming rates may vary where roaming is restricted.

² Caller ID may not be available outside your home service area.

³ Airtime charges apply to message retrieval from your cellular phone.

⁴ Airtime, toll and wireless long distance charges may apply.

**Just \$9.99 monthly access, it's a deal
you can't beat — exclusively for
Bell Atlantic NYNEX Mobile customers!**



**Keep your
family close —**

**Wherever
they are—**

**With a second cellular line
for just \$9.99 monthly
access. Details inside —**

@Bell Atlantic NYNEX Mobile
2000 Corporate Drive
Orangeburg, NY 10962



Introducing the EZ MAXSM Additional Line Plan.

A second cellular phone line for just \$9.99* monthly access that gives your family affordable security!



As a Bell Atlantic NYNEX Mobile customer, you know the convenience and security of having a phone with you at all times. That's why we came up with the Additional Line Plan. This exclusive offer lets our valued customers give 12 months of wireless safety and security to a family member or friend for just \$9.99* a month. Plus, when you add the Additional Line Plan to your existing account, you'll get a special bonus: a state-of-the-art Ericsson AH600 phone for just \$19.99!

Peace of mind is now affordable.

Accidents happen. So do breakdowns and other emergencies. That's why having a phone with you at all times is a comfort. Now you can afford to give that comfort to the rest of your family for just \$9.99 a month. With the Additional Line Plan, your wife, your son or your parent is always connected. In a pinch, it's a hotline. In an emergency it can be a lifeline.

Your family can call from virtually anywhere.

With the Additional Line Plan, a call for help is just 69¢ per minute** in the NY/NJ home calling area and throughout the MobileReach[®] Network -- from Maine to Northern Virginia, in the Carolinas and in Northern Georgia. For just \$9.99 a month per line added to your existing account, you'll know that your loved ones will always be near a phone. Just in case.



With annual contract

Just \$9.99 monthly access.

Add a line (or two) and we'll add the phone for just \$19.99!

FOR FREE DELIVERY, CALL
1-800-814-4448

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*Of available in the New York/New Jersey Metro area only. Additional line of service for introductory price of \$9.99 per month is available with an annual contract when added onto existing accounts on select price plan. For first 12 months, customer will be charged a monthly access fee of \$14.99 for each additional line unless customer requests line be disconnected. TalkAlong and GO zoned plans and Corporate price plans are excluded. Customer's account must be in good standing in order to qualify for additional line of service. Customer must maintain eligible primary price plan for the duration of additional line's service. Additional line must be on same billing account as primary price plan. Credit check is required and may require security deposit. Early termination fee of \$175 applies. Maximum 2 additional lines per customer account. **All calls subject to airtime rates, landline, toll and cellular long distance and roaming charges. Taxes apply and surcharges may apply based on the state where service is used. Landline charges are 5¢/minute in most of New York/New Jersey calling area. In some parts of Southern NJ, landline charge of 12¢/call applies depending on call origination and termination. Outside MobileReach Network per minute rate of 99¢/minute applies. Cellular long distance rate of 20¢/minute applies. Calls are billed in full minute increments.

GET MORE MILEAGE FROM YOUR CELLULAR PHONE

20% OFF

SELECTED ACCESSORIES FROM
Bell Atlantic NYNEX Mobile

ANTENNAS FOR BETTER RECEPTION
BATTERIES AND CHARGERS FOR EXTENDED LIFE
LEATHER CASES FOR STYLE AND PROTECTION
HANDS-FREE KIT FOR EASY USE

LET YOUR CELLULAR
PHONE GO THE DISTANCE
WITH THE BEST ACCESSORIES
AVAILABLE

20% DISCOUNT ON SELECTED
BELL ATLANTIC NYNEX MOBILE ACCESSORIES
FOR AUDIOVOX, MOTOROLA, AND NOKIA
CELLULAR PHONES.

Economical and Easy to Use. That's how you like to think of your cellular phone. And now you can make your phone even more convenient with the accessories it needs — antennas, batteries, rapid chargers and a stylish, protective leather case.

Limited Time Offer. From now until April 30th, receive **20% off** selected Bell Atlantic NYNEX Mobile accessories — batteries... for additional talk time, antennas...for better reception and clearer calling, rapid chargers...for extended life and a leather case... for style and protection.



Free Road Atlas. Order now and as a bonus you'll receive a free Pocket Road Atlas to help direct you while you're on the go with your cellular phone*.

For phone orders, the following credit cards are accepted:



To receive these discount prices at our Communications Stores, please present this mailer.

*Quantities limited and only available while supplies last. Road Atlas only available through 800 number. Free shipping to certain locations.

Visit us at our Internet address: www.banm.com

To order call 1-800-811-7400

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GET THE MESSAGE

WITH VOICE MAIL SERVICE FROM BELL ATLANTIC MOBILE, YOU'LL NEVER MISS A CALL.

WITH VOICE MAIL, YOU GET THE MESSAGE, EVEN WHEN YOU DON'T GET THE CALL.

That call you missed could have been very important. But with Voice Mail service from Bell Atlantic Mobile, you'll never miss a message again. And we'd like to prove to our best customers how indispensable our Voice Mail service is with a very special offer.

Call now and get two full months of Voice Mail service FREE!

Voice Mail service is just \$4.95* a month. Subscribe today and you'll get two full months of service free. And you can cancel any time if you are not completely satisfied.

Store up to 40 time and date stamped messages and even access your voice mailbox from any Touch-Tone phone. There's no charge for incoming messages deposited in your mailbox. And airtime charges only apply if you retrieve messages from your cellular phone.

With Voice Mail service from Bell Atlantic Mobile, you get more than a message. You get peace of mind. Try it and then wonder how you ever got by without it!

**Hurry! This special offer expires 12/31/97.
Call 1-800-227-1069 today.**

*Monthly service fee of \$4.95 will be credited on first two *full* months of service. Airtime and roaming charges will be incurred (and toll, if applicable) when accessing your voice mailbox from your cellular phone. Roaming, toll and long distance charges will apply when traveling outside your home rate area. When accessing your voice mailbox from a landline phone you may receive landline telephone charges on your landline phone bill. Offer expires 12/31/97.

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Orangeburg, NY 10962



PRESORTED
FIRST CLASS MAIL
US POSTAGE
PAID
BELL ATLANTIC
MOBILE

Say
yes

original

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Just make it before March 31st

Bell Atlantic Mobile

Your "I-want-to-come-back" call comes with this special offer:

Free Unlimited Night & Weekend local airtime for 12 months when you sign up for new DigitalChoiceSM service before March 31, 1998.

The new DigitalChoice Price Plans:
Simply the best wireless value in the NY & NJ area.

The New DigitalChoice Price Plans

	DigitalChoice 60	DigitalChoice 150	DigitalChoice 600	DigitalChoice 1200
Monthly Access	\$29.99	\$49.99	\$99.99	\$159.99
Home Airtime Minutes Included	60	150	600	1,200
Home Airtime per Minute Rate	59¢	45¢	40¢	35¢
Wireless Long Distance per Minute Rate (Peak/Off Peak)	22¢/10¢	15¢/15¢	15¢/15¢	15¢/15¢
Included with every plan*				
Free first incoming local airtime minute, Voice Mail, Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, No Answer/Busy Transfer				

Call **1-888-660-2355** before March 31st,
or visit your nearest Bell Atlantic Mobile Communications Store today.

New annual cellular service agreement required. Early cancellation fee \$175. Monthly access, airtime, toll, wireless long distance, cellular regional calling and roaming charges apply. Airtime is billed in full minute increments, as a result, the amount of allowance minutes may vary. CDMA-compatible phone required. New contract terms and conditions will be required. Digital service is not available in all areas. The benefits of DigitalChoice may not be available in all areas or on non-compatible networks. *Airtime charges apply when retrieving messages from a wireless phone. Caller ID may not be available in all areas. Airtime, toll and wireless long distance charges may also apply to all calls made or received using Call Waiting, Call Forwarding, 3-Way Calling and No Answer/Busy Transfer.

\$30

Trade-in Offer.
Call for details.



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BELL ATLANTIC MOBILE

**A cell phone is only as good
as the network it's on.®**

